

REMARKS

This Amendment is submitted supplementary to the previous Amendment and in connection with the interview held with the Examiner.

During the interview several questions were raised by the Examiner about the operation of the inventive device and also its patentability. In connection with this applicant's wish to make the following remarks.

As for the first axis defined in claim 8, the first axis is the axis of the attaching element or suction cup 1 which in Figure 1 extends in a horizontal direction. The second axis is the axis of the tubular channel 11 which extends in Figure 1 in a vertical direction. It is believed that this clarifies the questions raised by the Examiner with respect to the axes. The Examiner questioned the terms "operative position" and "inoperative position". The operative position of the device is shown in Figure 1. In this position the holding element 7 with its part 10 applies a pressure on the attaching element of the suction cup 1 so that the attaching element 1 attaches to the wall. In the inoperative position the holding element 7 is turned from the position shown in Figure 1 around an axis which is formed by small projections of the walls 8 and 9 along the arrow so that

pressure is no longer applied to the attaching element 1. It is believed that this explains the operative and inoperative positions of the device.

During the conference the Examiner indicated that in the prior art device there is a single rod held in corresponding holding elements.

Claim 1, the broadest claim on file, has been amended further to clearly define the present invention. In particular it defines that the inventive device has means for simultaneously attaching the two attaching elements by simultaneously pivoting the two holding elements by a single additional element inserted in their tubular channels, so that the two holding elements press with their ends two attaching elements to be simultaneously attached. These features of the present invention are not disclosed in the references and can not be derived from them as a matter of obviousness.

While it is known in the prior art to have a bar in two supports, none of the prior art references discloses means for simultaneously attaching two attaching elements to a surface by turning two holding elements with a single bar. The turning of the holding elements with a single bar in the prior art moves the holding elements between various positions which however do not apply any pressure to the attaching elements. It is believed that the means for

simultaneously attaching the attaching elements to a surface by simultaneously pivoting two holding elements with a single additional element are not disclosed in the prior art and can not be derived from it as a matter of obviousness.

Claim 1 should be considered as patentably distinguishing over the art and should be allowed.

During the conference claim 8 has been discussed as well, and the Examiner's highly beneficial cooperation has been gratefully acknowledged in that the Examiner admitted that the patent to Howard does not disclose a tubular channel. This reference discloses hooks, and therefore even if a rod is supported on two hooks it is not possible to hold firmly a shower accessory for example a showerhead which can be turned around its axis and to maintain in its position. In two hooks a rod or another element is just held in a horizontal position and if the orientation of the hooks is changed, it will slip from the hooks. In contrast, in the applicant's invention when the attaching cups are turned around their axes and attached to the walls and when an auxiliary element or a shower accessory is inserted in their tubular channels the auxiliary device can be turned about an axis of the tubular channel and reliably held in its position, so that the orientation of the auxiliary device or the shower accessory is performed

about two axes, namely the axis of the attaching element and the axis of the tubular channel. This concept is also not disclosed in the prior art.

Reconsideration and allowance of present application is most respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects in order to place this case in condition for final allowance, then it is respectfully requested that such amendments or corrections be carried out by Examiner's Amendment, and the case be passed to issue. Any costs involved should be charged to the deposit account of the undersigned (No. 26-0085). Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance, he is invited to telephone the undersigned (at 631-243-3818).

Respectfully submitted,

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